

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION INSTITUTES
FORMAL PROCEEDINGS AND ISSUES PUBLIC CENSURE
OF FORMER JUDGE BRETT CARROLL KLEIN
AND BARS HIM FROM RECEIVING ASSIGNMENTS

The Commission on Judicial Performance has instituted formal proceedings and has issued a decision and order imposing public censure of former Los Angeles County Superior Court Judge Brett Carroll Klein and barring him from receiving assignments, appointments, or references of work from any California state court. Former Judge Klein stipulated to the imposition of public censure and bar.

On January 16, 2009, Judge Klein presided over a hearing for final approval of a class action settlement, *Jacqueline Cohen et al. v. Windsor Fashions, Inc.* The case was assigned to another judge who was absent that day but had previously certified the class and granted preliminary approval of the settlement. At the hearing, Judge Klein engaged in a pattern of sarcasm and improper remarks toward the attorneys. He took the matter under submission and thereafter changed the proposed final order submitted by the parties to provide that payments to the class representative and class counsel would be in the form of \$10 gift cards redeemable at the defendant women's clothing store, a change Judge Klein had not mentioned during the hearing. The judge then emailed his decision to a newspaper. Judge Klein later ordered reconsideration of his ruling and set the matter for hearing before the judge assigned to the case.

The Commission found that the "highly unorthodox manner" in which Judge Klein modified the order to provide for the payment of fees in \$10 gift cards and transmitted his order to the press displayed bias and embroilment and gave the appearance of grandstanding. His conduct also constituted an abuse of authority. The judge also failed to be patient, dignified and courteous to those appearing before him. Because Judge Klein has previously received both private and public discipline for similar conduct, the Commission found that the misconduct in this case demonstrated a continuing "course of conduct establishing a lack of temperament and ability to perform judicial functions in an even-handed manner." To protect the public and the

integrity of the judiciary, the Commission concluded that the sanction of public censure and bar from holding judicial office or receiving judicial assignments was appropriate.

The Commission's Decision and Order of Public Censure is available on the Commission's Web site at www.cjp.ca.gov (under "Press Releases" and "Public Discipline – 1960 to Present") and at the Commission's office.

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The Commission is composed of three judges, two lawyers, and six public members. The Chairperson is the Hon. Judith D. McConnell of the Court of Appeal, Fourth Appellate District, in San Diego, California.

For further information about the Commission on Judicial Performance, see the Commission's Web site.